



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

DISMISSED WITH PREJUDICE: February 19, 2010

CBCA 1622

DOUG O'BRYAN CONTRACTING, INC.,

Appellant,

v.

DEPARTMENT OF TRANSPORTATION,

Respondent.

Thomas R. Olson of Olson & Price, Ltd., West Saint Paul, MN, counsel for Appellant.

David Sett, Division Counsel, Central Federal Lands Highway Division, Federal Highway Administration, Department of Transportation, Lakewood, CO, counsel for Respondent.

VERGILIO, Board Judge.

ORDER

On June 25, 2009, the Board received from Doug O'Bryan Contracting, Inc. (contractor) a notice of appeal seeking payment of \$913,497.39 and a time extension of 209.5 days for unavoidable delays under its contract, DTFH68-07-C-00025, with the Department of Transportation, Federal Highway Administration, Central Federal Lands Highway Division, to construct a roadway. Formal proceedings were suspended, while the parties engaged in mediation. On February 19, 2010, the Board received from the contractor a request for a dismissal with prejudice; the parties have settled the case and executed a binding settlement agreement. The Board **DISMISSES WITH PREJUDICE** this appeal.

JOSEPH A. VERGILIO
Board Judge